

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TAMEKA HILLS-ROBERTS

vs.

PATRICK LEWIS, JR. and
WERNER ENTERPRISES, INC.

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CIVIL ACTION NO. _____
JURY REQUESTED

**DEFENDANT WERNER ENTERPRISES, INC.’S
NOTICE OF REMOVAL OF CIVIL ACTION**

COMES NOW Defendant WERNER ENTERPRISES, INC., and files this Notice of Removal, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

1. The Plaintiff, Tameka Hills-Roberts (“Plaintiff”), filed the Plaintiff’s Original Petition on August 12, 2022 in the Harris County District Court which is within the Houston Division of the United States District Court for the Southern District of Texas. The case carries the style of: Cause No.: 2022-49614; *Tameka Hills-Roberts v. Patrick Lewis, Jr. and Werner Enterprises, Inc.*; In the 215th Judicial District Court of Harris County, Texas. Under 28 U.S.C. § 1446(a), removal to this Division of this District is proper.

2. In the Original Petition Plaintiff alleges that on or about October 25, 2020, Plaintiff and Werner Enterprises, Inc.’s driver Patrick Lewis, Jr. were involved in a motor vehicle accident in Harris County, Texas. Plaintiff claims to have sustained personal injuries and damages and is seeking to recover for past and future physical pain, past and future mental anguish and suffering, past and future physical impairment, medical expenses, past and future lost wages and loss of earning capacity, pre-judgment and post-judgment interest as allowed by law, costs of suit; and all

other relief the Court deems appropriate. The Plaintiff's Original Petition alleges a monetary relief over \$1,000,000.00 (Exhibit A, ¶ V).

3. A copy of Plaintiff's Original Petition is attached hereto as Exhibit "A."

4. On or about August 19, 2022, Werner Enterprises, Inc. was served through Corporate Creations. As of the date of this Notice of Removal, there has been no return of service filed with the Court stating that service has been effectuated on Werner Enterprises, Inc.

5. Plaintiff is an individual and a resident and citizen of the State of Texas.

6. Werner Enterprises, Inc. is a corporation incorporated in the State of Nebraska with its principal place of business in Omaha, Nebraska, 28 U.S.C. § 1332(c)(1). (See Declaration under Oath as Exhibit "B.")

7. This Notice of Removal is timely as it was filed within the 30 day time period required under 28 U.S.C. § 1446(b).

8. As of the date of this Notice of Removal, it is Defendant's understanding Plaintiff has not effectuated service on Patrick Lewis, Jr." This Notice of Removal is therefore filed before Patrick Lewis, Jr. has been properly served in the cause pending in the 215th Judicial District Court of Harris County, Texas. *See* 28 U.S.C. § 1441(b)(2); *Texas Brine Co. v. American Arbitration Ass'n*, 955 F.3d 482, 486-87 (5th Cir. 2020); *Mirman Grp., LLC v. Michaels Stores Procurement Co., Inc.*, No. 3:20-CV-1804-D, 2020 WL 5645217, at *3 (N.D. Tex. Sept. 22, 2020); *Baker v. Bell Textron, Inc.*, No. 3:20-CV-292-X, 2020 WL 5513431, at *3 (N.D. Tex. Sept. 14, 2020).

9. This Notice of Removal is also therefore filed within 30 days after receipt by Defendant of a copy of the Petition in combination with service of the summons, in compliance with 28 U.S.C. § 1446(b).

10. The Action is one which may be removed to this Court by the Defendant pursuant to 28 U.S.C. §§ 1441 and 1446, and over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, in that diversity of citizenship exists between the Plaintiff and the Defendant hereto, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

11. Removal is not barred by 28 U.S.C. § 1445.

12. Pursuant to 28 U.S.C. § 1446(a) and local Rule 81, Werner Enterprises, Inc. has attached hereto: an Index of Documents being filed as **Exhibit C**; a copy of the state court docket sheet as **Exhibit D**; and a list of all counsel of record as **Exhibit E**.

13. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a).

14. Venue is proper in the Southern District under 28 U.S.C. §1441(a) because the state court where the action has been pending is located within this District.

15. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the state court where the action has been pending.

16. Defendant demanded a jury in the state court action.

17. On or about the date of this filing, Defendant served upon counsel for the Plaintiff a copy of the “Defendant’s Notice of Removal of Civil Action.”

REQUEST FOR HEARING AND JURISDICTIONAL DISCOVERY

18. If Plaintiff contests this removal, Defendant requests:

- (a) a hearing regarding this Court’s jurisdiction over, and the propriety of removal of this matter; and
- (b) leave to conduct limited discovery related to issues surrounding the existence of diversity jurisdiction.

WHEREFORE, Defendant WERNER ENTERPRISES, INC. by counsel, requests that this Court remove the action from the Harris County District Court to The United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

BAIR★HILTY, P.C.

/s/Amanda S. Hilty

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**ATTORNEY FOR DEFENDANT,
WERNER ENTERPRISES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per S. Dist. Tex. Loc. R. LR5.1 on the 24th day of August, 2022. A true and correct copy of the foregoing Defendant's Notice of Removal was served upon counsel of record in compliance with the Federal Rules of Civil Procedure by e-service, e-mail, certified mail, return receipt requested, telephonic communications, hand delivery and/or U.S. Mail on this the 24th day of August, 2022.

/s/ Amanda S. Hilty

AMANDA S. HILTY